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CITY OF OAKLAND



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February 18, 2014

HONORABLE CITY COUNCIL
Oakland, California

Subject: **Wanning Qian v. City of Oakland, et al**
Alameda County Superior Court Case No. RG13-676548
Our Matter No. 29300 (Oakland Public Works-Vehicle/Pedestrian Collision)

President Kernighan and Members of the City Council

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled action. Due to the risk of an adverse jury verdict under the circumstances, settlement is recommended in the sum of Two Million Dollars and No Cents (\$2,000,000.00) payable to Wanning Qian and Tom Paoli, his attorney.

This action arises when Wanning Qian was struck by a City vehicle driven by a Public Works employee on September 28, 2012.

The Council authorized settlement of this case in Closed Session on Tuesday, February 4, 2014 (moved by Councilmember Gallo seconded by Councilmember Gibson McElhaney - 8 Ayes, 0 Noes, 0 Absent)

Respectfully submitted,


BARBARA J PARKER
City Attorney

Attorney Assigned
James F. Hodgkins

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OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

JFH
JFH

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF WANNING QIAN v. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG13-676548, IN THE AMOUNT OF TWO MILLION DOLLARS AND NO CENTS (\$2,000,000.00) AS A RESULT OF AN ACCIDENT AT 14TH AND FRANKLIN STREETS WHERE A VEHICLE DRIVEN BY A CITY EMPLOYEE STRUCK AND INJURED WANNING QIAN. (PUBLIC WORKS AGENCY)

WHEREAS: Wanning Qian was injured when he was struck by a City vehicle driven by a Public Works employee on September 28, 2012, and

WHEREAS: Wanning Qian sustained injuries as a result of the accident that required medical care and will require medical care in the future, and

WHEREAS: In order to avoid the risk of an adverse jury verdict under the circumstances, now therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of Wanning Qian v City of Oakland, et al City Attorney's File No 29300, for the sum of Two Million Dollars and No Cents (\$2,000,000 00), and be it

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement, and be it

FURTHER RESOLVED: That the sum of Two Million Dollars and No Cents (\$2,000,000 00) be payable to Wanning Qian and Tom Paoli, his attorney

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2014

PASSED BY THE FOLLOWING VOTE

AYES SCHAAF, BROOKS, KAPLAN, GALLO, KALB, GIBSON McELHANEY, REID and
PRESIDENT KERNIGHAN

NOES

ABSENT

ABSTENTION

ATTEST _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California